

Case: 13-11738 Date Filed: 02/26/2016 Page: 1 of 3

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

February 26, 2016

Clerk
United States Court of Appeals for
the Eleventh Circuit
56 Forsyth St., NW
Atlanta, GA 30303-2218

**Re: Brenda Elem, et al.
v. Airtran Airways, Inc.
No. 14-1061 (Your docket Nos. 13-11738, 13-14912)**

Dear Clerk:

Attached please find a certified copy of the judgment of this Court in the above-entitled case. You may obtain a copy of the opinion by visiting our website, <http://www.supremecourt.gov>.

Sincerely,

SCOTT S. HARRIS, Clerk

By 

Hervé Bocage
Judgments/Mandates Clerk

Enc.

cc: Mr. Peter K. Stris, Esq.
Mr. Miguel A. Estrada, Esq.

Case: 13-11738 Date Filed: 02/26/2016 Page: 2 of 3

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

Scott S. Harris
Clerk of the Court
(202) 479-3011

February 26, 2016

Mr. Peter K. Stris
Stris & Maher LLP
725 S. Figueroa Street,
Suite #1830
Los Angeles, California 90017

**Re: Brenda Elem, et al.
v. AirTran Airways, Inc.
No. 14-1061**

Dear Mr. Stris:

Today, a certified copy of the judgment of this Court in the above-entitled case was emailed to the Clerk of the United States Court of Appeals for the Eleventh Circuit. You may obtain a copy of the opinion by visiting our website, <http://www.supremecourt.gov>.

The petitioners are given recovery of costs in this Court as follows:

Clerk's costs: \$300.00

This amount may be recovered from respondent.

Sincerely,

SCOTT S. HARRIS, Clerk

By 
Herve Bocage
Judgments/Mandates Clerk

cc: Miguel A. Estrada, Esq.
Clerk, USCA for the Eleventh Circuit
(Your docket Nos. 13-11738, 13-14912)

Supreme Court of the United States

No. 14-1061

BRENDA ELEM, ET AL.,

Petitioners

v.

AIRTRAN AIRWAYS, INC.

ON PETITION FOR WRIT OF CERTIORARI to the United States Court of Appeals for the Eleventh Circuit.

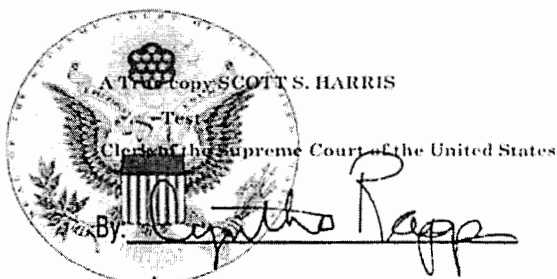
THIS CAUSE having been submitted on the petition for writ of certiorari and the response thereto.

ON CONSIDERATION WHEREOF, it is ordered and adjudged by this Court that the petition for writ of certiorari is granted. The judgment of the above court in this cause is vacated with costs, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Montanile v. Board of Trustees of Nat. Elevator Industry Health Benefit Plan*, 577 U. S. ____ (2016).

IT IS FURTHER ORDERED that the petitioners Brenda Elem, et al. recover from AirTran Airways, Inc. Three Hundred Dollars (\$300.00) for costs herein expended.

January 25, 2016

Clerk's costs: \$300.00



Case: 13-11738 Date Filed: 02/01/2016 Page: 1 of 1

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

**Scott S. Harris
Clerk of the Court
(202) 479-3011**

January 25, 2016

Clerk
United States Court of Appeals for the Eleventh
Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

Re: Brenda Elem, et al.
v. AirTran Airways, Inc.
No. 14-1061
(Your No. 13-11738, 13-14912)

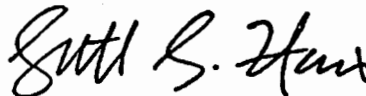
Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Montanile v. Board of Trustees of Nat. Elevator Industry Health Benefit Plan*, 577 U. S. ____ (2016).

The judgment or mandate of this Court will not issue for at least twenty-five days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing.

Sincerely,



Scott S. Harris, Clerk

Case: 13-11738 Date Filed: 01/25/2016 Page: 1 of 1

**Supreme Court of the United States
Office of the Clerk
Washington, DC 20543-0001**

**Scott S. Harris
Clerk of the Court
(202) 479-3011**

January 25, 2016

**Clerk
United States Court of Appeals for the Eleventh
Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303**

**Re: Brenda Elem, et al.
v. AirTran Airways, Inc.
No. 14-1061
(Your No. 13-11738, 13-14912)**

Dear Clerk:

The Court today entered the following order in the above-entitled case:

The petition for a writ of certiorari is granted. The judgment is vacated, and the case is remanded to the United States Court of Appeals for the Eleventh Circuit for further consideration in light of *Montanile v. Board of Trustees of Nat. Elevator Industry Health Benefit Plan*, 577 U. S. ____ (2016).

The judgment or mandate of this Court will not issue for at least twenty-five days pursuant to Rule 45. Should a petition for rehearing be filed timely, the judgment or mandate will be further stayed pending this Court's action on the petition for rehearing.

Sincerely,

A handwritten signature in black ink, appearing to read "Scott S. Harris", written in a cursive style.

Scott S. Harris, Clerk

Case: 13-11738 Date Filed: 03/03/2015 Page: 1 of 1

Supreme Court of the United States

Office of the Clerk

Washington, DC 20543-0001

Scott S. Harris
Clerk of the Court
(202) 479-3011

March 3, 2015

Clerk
United States Court of Appeals for the Eleventh
Circuit
56 Forsyth Street, N.W.
Atlanta, GA 30303

Re: Brenda Elem, et al.
v. AirTran Airways, Inc.
No. 14-1061
(Your No. 13-11738, 13-14912)

Dear Clerk:

The petition for a writ of certiorari in the above entitled case was filed on February 27, 2015 and placed on the docket March 3, 2015 as No. 14-1061.

Sincerely,

Scott S. Harris, Clerk

by

Melissa Blalock
Case Analyst

Case: 13-11738 Date Filed: 12/02/2014 Page: 1 of 1

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

John Ley
Clerk of Court

For rules and forms visit
www.ca11.uscourts.gov

December 02, 2014

MEMORANDUM TO COUNSEL OR PARTIES

Appeal Number: 13-11738-BB; 13-14912-BB
Case Style: AirTran Airways, Inc. v. Brenda Elem, et al
District Court Docket No: 1:10-cv-03673-ODE

The enclosed order has been entered on petition(s) for rehearing.

See Rule 41, Federal Rules of Appellate Procedure, and Eleventh Circuit Rule 41-1 for information regarding issuance and stay of mandate.

Sincerely,

JOHN LEY, Clerk of Court

Reply to: Carol R. Lewis, BB
Phone #: (404) 335-6179

REHG-1 Ltr Order Petition Rehearing

Case: 13-11738 Date Filed: 12/02/2014 Page: 1 of 1

IN THE UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT

No. 13-11738-BB ; 13-14912 -BB

AIRTRAN AIRWAYS, INC.,

Plaintiff - Appellee,

versus

BRENDA ELEM,
MARK D. LINK,
LINK & SMITH, P.C.,

Defendants - Appellants.

Appeal from the United States District Court
for the Northern District of Georgia

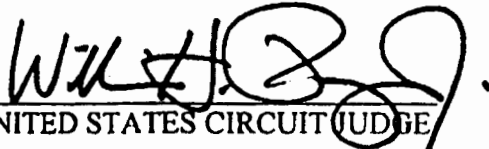
ON PETITION(S) FOR REHEARING AND PETITION(S) FOR REHEARING EN BANC

BEFORE: WILLIAM PRYOR and MARTIN, Circuit Judges, and HONEYWELL,* District Judge.

PER CURIAM:

The Petition(s) for Rehearing are DENIED and no Judge in regular active service on the Court having requested that the Court be polled on rehearing en banc (Rule 35, Federal Rules of Appellate Procedure), the Petition(s) for Rehearing En Banc are DENIED.

ENTERED FOR THE COURT:


UNITED STATES CIRCUIT JUDGE

ORD-42

* Honorable Charlene Edwards Honeywell, United States District Judge for the Middle District of Florida, sitting by designation.

**UNITED STATES COURT OF APPEALS
FOR THE ELEVENTH CIRCUIT**

ELBERT PARR TUTTLE COURT OF APPEALS BUILDING
56 Forsyth Street, N.W.
Atlanta, Georgia 30303

Amy C. Nerenberg
Acting Clerk of Court

For rules and forms visit
www.call.uscourts.gov

March 08, 2016

James N. Hatten
Richard B. Russell Bldg & US Courthouse
2211 UNITED STATES COURTHOUSE
75 TED TURNER DR SW
STE 2211
ATLANTA, GA 30303-3309

Appeal Number: 13-11738-BB ; 13-14912 -BB
Case Style: AirTran Airways, Inc. v. Brenda Elem, et al
District Court Docket No: 1:10-cv-03673-ODE

The enclosed copy of this Court's order of remand is issued as the mandate of this Court.
Counsel and parties are advised that with this order of remand this appeal is concluded. If further
review is to be sought in the future a timely new notice of appeal must be filed.

Sincerely,

AMY C. NERENBERG, Acting Clerk of Court

Reply to: Carol R. Lewis/aw, BB
Phone #: (404) 335-6179

Enclosure(s)

DIS-4 Multi-purpose dismissal letter